

BILL NO. Z-71-09- 2-5

ZONING MAP ORDINANCE NO. Z- 2-5

AN ORDINANCE amending the City of Fort Wayne
Zoning Maps Nos. CC-28 and CC-30.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated an MHP District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto; and the symbols on the City of Fort Wayne Zoning Maps Nos. CC-28 and CC-30 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

North Half of Southwest Quarter of Section 15 and the South Half of the Northwest Quarter of Section 15, all in the Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the center of Section 15, T 29 N, R 12 E, Allen County, Indiana; thence S 00°-34' E, on and along the North-South Quarter Section line, 1314.0 feet; thence S 87°-49' W, on and along the South line of the North Half of the Southwest Quarter of said Section 15, being established by a line fence, 2648.1 feet to the centerline of State Road #1, commonly known as Bluffton Road, thence N 00°-25' W, on and along said centerline, 2014.1 feet to the Point of Intersection (P.I.) of a 1000 foot long regular curve left of Delta 00°-36'; thence N 01°-01' W, on and along the Tangent of said curve, 635.1 feet to the North line of the

South Half of the Northwest Quarter of said Section 15; thence N 87°-53'-30" E, on and along said North line, being established by an existing line fence, 2647.6 feet; thence S 00°-34' E, on and along North-South Quarter Section line, 1331.8 feet to the point of beginning, containing 160.703 acres of land and being subject to State Road #1 Right-of-way. (As described by Deed Record #683, page #575)

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

Herbert D. Zipton
Councilman

APPROVED AS TO FORM
AND LEGALITY

[Signature]
CITY ATTORNEY -2-

Read the first time in full and on motion by _____ seconded by _____ and duly adopted, read the second time by title and referred to the Committee on _____ (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____ 197____, at _____ o'clock P.M., E.S.T.

Date: _____

CITY CLERK

Read the third time in full and on motion by _____ seconded by _____ and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES 0, NAYS 9, ABSTAINED _____, ABSENT _____ to-wit:

Burns	_____	<input checked="" type="checkbox"/>	_____	_____
Hinga	_____	<input checked="" type="checkbox"/>	_____	_____
Kruse	_____	<input checked="" type="checkbox"/>	_____	_____
Nuckols	_____	<input checked="" type="checkbox"/>	_____	_____
Moses	_____	<input checked="" type="checkbox"/>	_____	_____
Schmidt, D.	_____	<input checked="" type="checkbox"/>	_____	_____
Schmidt, V.	_____	<input checked="" type="checkbox"/>	_____	_____
Steir	_____	<input checked="" type="checkbox"/>	_____	_____
Talarico	_____	<input checked="" type="checkbox"/>	_____	_____

Date 2-8-72

Charles W. Mentzer
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197____.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197____ at the hour of _____ o'clock _____.M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____.M., E.S.T.

MAYOR

Read the first time in full and on motion by Tipton seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) ~~(and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~ the _____ day of _____ 19____, at _____ o'clock _____ P.M., E.S.T.

Date: 9-28-71 Frank J. Bonachoni
City Clerk

Read the third time in full and on motion by _____ seconded by _____ and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES	NAYS	ABSTAINED	ABSENT	to-wit:
Adams	_____	_____	_____	_____
Dunifon	_____	_____	_____	_____
Fay	_____	_____	_____	_____
Geake	_____	_____	_____	_____
Nuckols	_____	_____	_____	_____
Robinson	_____	_____	_____	_____
Rousseau	_____	_____	_____	_____
Steigerwald	_____	_____	_____	_____
Tipton	_____	_____	_____	_____

Date _____ City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) ~~(General)~~ ~~(Annexation)~~ ~~(Special)~~ ~~(Appropriation)~~ Ordinance (Resolution) No. 2-

on the _____ day of _____, 19 ____.

ATTEST: (SEAL)

City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19 ____ at the hour of _____ o'clock _____ M., E.S.T.

City Clerk

Approved and signed by me this _____ day of _____, 19 ____ at the hour of _____ o'clock _____ M., E.S.T.

Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 28, 1971, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-71-09-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

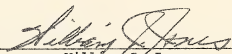
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 15, 1971;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the city, and the amendment will be detrimental to and conflicts with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 24, 1972.

Certified and signed this
7th day of February 1972.



William J. Jones
Director of Planning

Bill No. Z-71-09-25

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Maps Nos. CC-28 and CC-30,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO NOT PASS.

EUGENE KRAUS, Chairman

JAMES S. STIER, Vice-Chairman

WILLIAM T. HINGA

PAUL BURNS

VIVIAN G. SCHMIDT

Eugene Kraus
James S. Stier
William T. Hinga
Paul Burns
Vivian G. Schmidt

CONCURRED IN

DATE 2-8-72 CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

No 95

GENERAL FUND

FT. WAYNE, IND.

Aug. 31 1971

RECEIVED FROM

Walter F. Probst

\$

50

THE SUM OF

Fifty and 00/100

DOLLARS

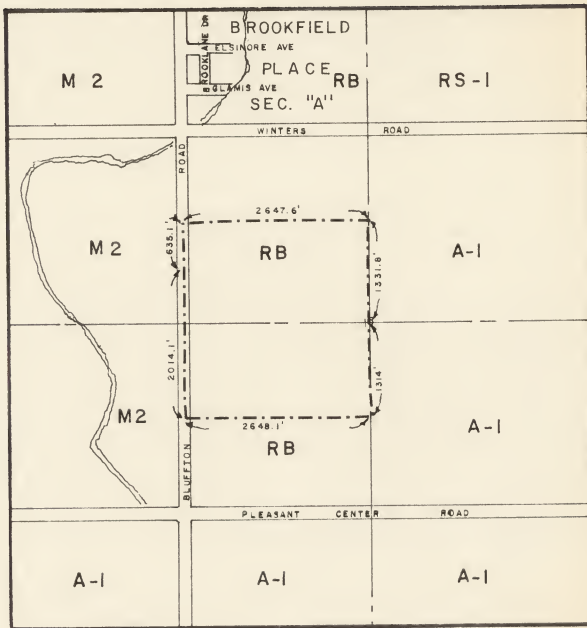
100

ON ACCOUNT OF

Zoning Petition

K. E. Hester

AUTHORIZED SIGNATURE



----- PROPOSED MOBILE HOME DISTRICT
BOUNDARY

2-71-09-25

N

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

No. _____

DATE FILED: _____

INTENDED USE: Mobile Home Park

I/We THEODORE F. HAGERMAN and WALTER F. PROBST
Applicant's Name or Names

Do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana by reclassifying from an RB District to a MHP District the property described as follows:

General Description (Prepared by Planning Staff)

See EXHIBIT A for legal description

Legal Description

Legal Description Checked by (City Engineer) Robert B. Bomer

The Undersigned applicant (s) upon the execution and submission of this application and petition for zoning ordinance amendment, understands and agrees that:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or for the ordinance to be taken under advisement is filed within the required time, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. Also, in the event, a request is filed for continuance or delay in the consideration of an ordinance, it shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and informing him of the time and place of the next meeting at which the proposed ordinance will be considered. In the event the time and place of the meeting is not known at the time that the request for continuance is filed, it shall be the duty of the petitioner to notify all persons notified by the Plan Commission Office when the time and place of hearing is determined.

I/We hereby certify that as the undersigned, I am / We are the owner (s) of fifty-one percentum or more of the property described in this petition.

THEODORE F. HAGERMAN

Name - Owner

403 Strauss Building

Fort Wayne, Indiana 46802

Address

WALTER F. PROBST

- Conditional Purchaser

1601 Wall Street

Fort Wayne, Indiana 46804

Signature

This petition for zoning ordinance amendment prepared by:
2200 Fort Wayne National Bank

George P. Mellers

Name

Fort Wayne, Indiana

Address

219/743-9706

Telephone Number

City Plan Commission - One Main Street - City-County Building - Fort Wayne, Indiana - 423-7571

North Half of Southwest Quarter of Section 15 and the South Half of the Northwest Quarter of Section 15, all in the Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the center of Section 15, T 29 N, R 12 E, Allen County, Indiana; thence S $00^{\circ}-34'$ E, on and along the North-South Quarter Section line, 1314.0 feet; thence S $87^{\circ}-49'$ W, on and along the South line of the North Half of the Southwest Quarter of said Section 15, being established by a line fence, 2648.1 feet to the centerline of State Road #1, commonly known as Bluffton Road, thence N $00^{\circ}-25'$ W, on and along said centerline, 2014.1 feet to the Point of Intersection (P.I.) of a 1000 feet long regular curve left of Delta $00^{\circ}-36'$; thence N $01^{\circ}-01'$ W, on and along the Tangent of said curve, 635.1 feet to the North line of the South Half of the Northwest Quarter of said Section 15; thence N $87^{\circ}-53'-30''$ E, on and along said North line, being established by an existing line fence, 2647.6 feet; thence S $00^{\circ}-34'$ E, on and along North-South Quarter Section line, 1331.8 feet to the point of beginning, containing 160.703 acres of land and being subject to State Road #1 Right-of-Way.

As described by Deed Record # 683, page # 575.

signatures of 47 owners

REMONSTRANCE

AGAINST PROPOSED ZONING MAP AMENDMENT

We, the undersigned, being the owners of real estate in the immediate vicinity of the area hereinafter described, do hereby remonstrate against the ordinance which proposes to change the classification of the following described real estate from a "RB" District to a "MHP" District:

North Half of Southwest Quarter of Section 15 and the South Half of the Northwest Quarter of Section 15, all in the Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the center of Section 15, T 29 N., R 12 E., Allen County, Indiana; thence S 00°-34' E., on and along the North-South Quarter Section line, 1314.0 feet; thence S 87°-49' W, on and along the South line of the North Half of the Southwest Quarter of said Section 15, being established by a line fence, 2648.1 feet to the centerline of State Road #1, commonly known as Bluffton Road, thence N 00°-25' W, on and along said centerline, 2014.1 feet to the Point of Intersection (P.I.) of a 1000 feet long regular curve left of Delta 00°-36'; thence N 001°-01' W, on and along the Tangent of said curve, 635.1 feet to the North line of the South Half of the Northwest Quarter of said Section 15; thence N 87°-53'-30" E, on and along said North line, being established by an existing line fence, 2647.6 feet; thence S 00°-34' E, on and along North-South Quarter Section line, 1331.8 feet to the point of beginning, containing 160.173 acres of land and being subject to State Road #1 Right-of-Way.

(As described by Deed Record #683, Page #575.)

For the following reasons:

(1) The use of this farm ground for mobile home courts is not the highest and best use.

(2) The area proposed for a mobile park is completely surrounded by residential areas and residential homes and permission to establish a mobile home park in an area completely surrounded by residential homes and residential sites would be spot zoning, void and contrary to law.

(3) There already have been separate approvals for mobile home courts in the vicinity of the south area of Waynedale. To date, none of the mobile home courts have been utilized nor has construction begun on any of the proposed sites. Consequently, there is no useful purpose served and no need in the community for the establishment of additional mobile home sites.

(4) There are already established a number of trailer parks and there are already approved a number of trailer parks at the edge of the industrial area in the vicinity of Waynedale which adequately and properly serve the needs for mobile home courts in the Pleasant Township area.

(5) The establishment of a high density trailer court in the vicinity of Section 15 would be the establishment of a high density residential area not adequately served by the following:

(a) The area does not have adequate sewers;

(b) The area does not have adequate highways. The only highway available to the premises is a through highway, being the Bluffton Road, which is already badly overcrowded, dangerous and a hazard to the people and especially the children presently living in Pleasant Township.

(6) The establishment of a trailer park in the center of Pleasant Township would ruin all of Pleasant Township for the purpose of developing in a sensible, logical and fair residential spirit.

(7) The establishment of a trailer park in the area proposed would destroy immediately the value of adjacent residences, all of which have been constructed on the basis of the currently existing zoning classifications. The people in the community would, therefore, be substantially damaged by having relied upon the Municipal Ordinance restricting the use of the proposed site from trailer parks.

(8) The area is in the immediate flight pattern for airplanes approaching Baer Field from the southwest and the construction of a trailer park in the area would pose a hazard to the health, welfare and condition of the people and the children living in the mobile home park.

Name

Address

Mrs. Jeanne Eatough Pelis	4811 Eastman Dr.
Charles L. Michell	1707 Winters Rd.
Rosemary T. Michell	1707 Winters Rd.
Richard Frank	1637 Winters Rd.
Charles W. Frank	1637 Winters Road
Hattie Neunschwander	11819 Bluffton Rd.
Homer Neunschwander	11819 Bluffton Rd.
Heinrich Neunschwander	
Lee Scherer	Post 2, Cape H. V.
Vernon Henry	1204 Winters Road
Grace Henry	1204 Winters Road
Samuel Sampman	1607 Winters Road
Jean J. Sampman	1607 Winters Road
David Carmean	415 Winters Road
Richard Neunschwander	1606 Winters Road
Nona Neunschwander	1606 Winters Road
Kenneth Leamon	1735 Winters Road
Sharon Leamon	1735 Winters Road
Sadie M. Weikel	RR4, Ferguson Rd.
Harvey S. Weikel	RR4 Ferguson Rd.
Ernie H. Jacob	1904 Ferguson Rd. City
Flora M. Jacob	1904 Ferguson Road
James C. Ott	11530 Brookline Dr.
Marcella L. Ott	11530 Brookline Drive

Name

Address

John F. Schoenfeld
 Martin O. Schoenfeld
 William A. Neneke
 Eloise Neneke
 Michael J. Shaw
 Maxine E. Snarr
 Donald C. Hiron
 Margorie U. Hiron
 Landon M. Hiron
 Noble P. Spenn
 Arthur J. Spenn
 Harold E. Spenn
 Jack C. Penney
 Rudolph L. Pinney
 Fred Kroyder, Jr.
 Eileen L. Kroyder
 John E. Snarr
 Evelyn J. Snarr

2121 Pleasant Center Road
 2121 Pleasant Ctr. Rd.
 2131 Pleasant Center Rd
 2131 Pleasant Center Rd
 RR #4 Pleasant Ctr. Rd.
 RR #4 Pleasant Ctr. Rd.
 RR #4 Pleasant Center Road.
 R.R. 4, Pleasant Center Rd.
 1309 Pleasant Center Rd.
 R.R. 4, Pleasant Center Rd.
 R.4. Pleasant Center Rd
 RR # 4 Thiele Rd. Ft Wayne
 12219 Bluffs Rd.
 12219 Bluffs Rd
 RR # 4 Ft. Wayne, Ind.
 R #4 Ft Wayne Indiana

REMONSTRANCE

NO. 1

The undersigned, constituting property owners owning real estate in the vicinity or adjacent to the 160 acres proposed to be rezoned to a mobile home park in Pleasant Township, Allen Indiana, hereby protest and remonstrance against the proposed rezoning of the 160-acre tract to a mobile home park for each and every reason set forth by the persons orally appearing at the hearing, including but not necessarily limited to the following reasons:

1. The rezoning would be contrary to law;
2. The rezoning would not constitute the highest and best use of the premises;
3. The premises are not suitable for mobile home zoning in that there are not adequate schools, there is inadequate drainage, and the current highways are inadequate;
4. The proposed rezoning, if granted, would destroy property values in the neighborhood, would seriously harm persons who had relied on the current zoning for residential uses, and would cause irreparable harm to each of the undersigned property owners.
5. There is adequate mobile home zoning in the area presently not in use and there is adequate rezoning area available to the west of Bluffton Road not currently used but available for uses proposed by the petitioners.

The undersigned hereby certify that none of them have heretofore executed a remonstrance for the reason that the proposed

rezoning did not come to their attention until they read in the newspapers about the hearing having been held.

Name

Address

Sam H. Hays

B. B. 4th St. Hays Ind

Earl A. Hake

1431 Ferguson Rd Ft Wayne Ind

Florence E. Hake

1431 Ferguson Rd Ft Wayne Ind

W. L. H. Brown

931 Ferguson Rd

Carl Brown

9905 Thiele Rd, Ft Wayne, Ind

Marilyn P. Brown

9905 Thiele Rd, Ft Wayne, Ind

hearing did not come to their attention until they read in the newspapers about the hearing having been held.

Name

Address

Mr. Jerry A. Reynolds

1926 Ferguson Rd.

Mrs. Jerry A. Reynolds

1926 Ferguson Rd.

Mr. Chalmers D. Henschen

1930 Ferguson Rd.

Mrs. Chalmers Henschen

1930 Ferguson Rd.

Raymond Garrett

1808 Ferguson Rd.

Bertha B. Garrett

1808 Ferguson Rd.

REMONSTRANCE

NO. 2

The undersigned, constituting property owners owning real estate in the vicinity or adjacent to the 160 acres proposed to be rezoned to a mobile home park in Pleasant Township, Allen Indiana, hereby protest and remonstrance against the proposed rezoning of the 160-acre tract to a mobile home park for each and every reason set forth by the persons orally appearing at the hearing, including but not necessarily limited to the following reasons:

1. The rezoning would be contrary to law;
2. The rezoning would not constitute the highest and best use of the premises;
3. The premises are not suitable for mobile home zoning in that there are not adequate schools, there is inadequate drainage, and the current highways are inadequate;
4. The proposed rezoning, if granted, would destroy property values in the neighborhood, would seriously harm persons who had relied on the current zoning for residential uses, and would cause irreparable harm to each of the undersigned property owners.
5. There is adequate mobile home zoning in the area presently not in use and there is adequate rezoning area available to the west of Bluffton Road not currently used but available for uses proposed by the petitioners.

The undersigned hereby certify that none of them have heretofore executed a remonstrance for the reason that the proposed

rezoning did not come to their attention until they read in the newspapers about the hearing having been held.

Name	Address
Dean Hartz	11520 Brookline Dr.
Janice L. Houtz	11520 Brookline Dr.
Elmer J. Thompson	11508 Brookline Dr.
Deborah A. Thompson	11531 Brookline Dr.
Margaret M. Matthias	11531 Brookline Dr.
Joseph A. Kirkman	11614 Brookline Dr.
Barbara R. Kirkman	11614 Brookline Dr.
Earl D. Rankin	11536 Bluffton Rd.
Beulah E. Rankin	11536 Bluffton Rd.
Bruce A. Berlin	11507 Brookline Dr.
Michael Litvinko	11507 Brookline Dr.
Sophia Litvinko	11507 Brookline Dr.
Ronald A. Song	11521 Brookline Dr.
Sandra Song	11521 Brookline Dr.
Robert J. Myers	11625 Brookline Dr.
Lela M. Myers	11625 Brookline Dr.
Myron F. Friesinger	11612 Brookline Dr.
Mary Ann Friesinger	11612 Brookline Dr.
Ralph E. Stark	2301 Glamis Dr.
Mary Ann Stark	2301 Glamis Dr.
Jack C. Newhouse	11605 Bluffton Rd.
Karen J. Newhouse	11605 Bluffton Rd.
Eldon E. Collins	2325 Glamis Dr.
Cyril Berlin	11507 Bluffton Rd.
Judith L. Collins	2325 Glamis Dr.

(1)

REMONSTRANCE

NO. 3

The undersigned, constituting property owners owning real estate in the vicinity or adjacent to the 160 acres proposed to be rezoned to a mobile home park in Pleasant Township, Allen Indiana, hereby protest and remonstrance against the proposed rezoning of the 160-acre tract to a mobile home park for each and every reason set forth by the persons orally appearing at the hearing, including but not necessarily limited to the following reasons:

1. The rezoning would be contrary to law;
2. The rezoning would not constitute the highest and best use of the premises;
3. The premises are not suitable for mobile home zoning in that there are not adequate schools, there is inadequate drainage, and the current highways are inadequate;
4. The proposed rezoning, if granted, would destroy property values in the neighborhood, would seriously harm persons who had relied on the current zoning for residential uses, and would cause irreparable harm to each of the undersigned property owners.
5. There is adequate mobile home zoning in the area presently not in use and there is adequate rezoning area available to the west of Bluffton Road not currently used but available for uses proposed by the petitioners.

The undersigned hereby certify that none of them have heretofore executed a remonstrance for the reason that the proposed

paying attention until they read in the newspapers about the hearing having been held.

Name	Address
Lida E. Thiele.	St Wayne, Ind. R.R. #4.
Robert L. Thiele	R.R. #4 Fort Wayne, Ind.
Doris A. Thiele	Fort Wayne, Ind. #RR4
Marilyn S. Booth	Fort Wayne, Ind.
Larry L. Booth	Fort Wayne, Ind.
Albert Thiele	RR4 St. Wayne Ind.
Joyce Thiele	Rt #4 St Wayne, Ind.
Edward H. Thiele Jr.	
Connie Thiele	R. #4 St Wayne Ind.
William A. Thiele	R. #4 St. Wayne Ind.
Rose M. Thiele	R.R. #4 St Wayne Ind
Emil W. Thiele	R. R. #4 - Ft. Wayne, Ind.
Opal D. Thiele	R. R. #4 Ft. Wayne, Ind.
Edward H. Thiele	R. R. #4 Ft. Wayne Ind.
Trida Thiele	

LAW OFFICES

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG
THOMAS A. GALLMEYER
GEORGE E. FRUECHTENICHT
THOMAS D. LOGAN
PHILLIP E. GUTMAN
JOHN H. HEINEY
VERN E. SHELDON
F. WALTER RIEBENACK
DONALD M. AIKMAN
MARTIN T. FLETCHER
DAVID A. TRAVELSTEAD

AREA CODE 219
TELEPHONE 422-9454

INDIANA BANK BUILDING
FORT WAYNE, INDIANA
46802

November 22, 1971

City Plan Commission
City of Fort Wayne
c/o Paul B. McNellis
2100 Fort Wayne Bank Building
Fort Wayne, Indiana 46802

Re: Z-71-09-25 - Rezoning of tract
of land containing 160.703 acres
located on the east side of
Bluffton Road between Winters
and Pleasant Center Roads

Gentlemen:

Subsequent to the formal public hearing on the above proposed zoning map amendment on November 8, 1971, a number of property owners who did not receive notice of the formal hearing have contacted me and asked me how they might express their various disapprovals of the proposed zoning map amendment and express how the proposed amendment would adversely affect their premises and other premises in the neighborhood. Because there will be no further public hearings, I suggested to the property owners that they execute remonstrances at this time and I ask leave of the Board to file them today in order that their feelings might formally be made of record. Accordingly, I am enclosing the following:

1. Remonstrance #1 executed by twelve persons owning property and living north and east of Section 15 wherein the proposed zoning map amendment is to occur;

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

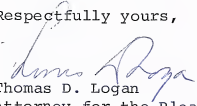
City Plan Commission
c/o Paul B. McNellis
November 22, 1971
-2

2. A Remonstrance executed by twenty-five persons living north and west of Section 15 wherein the proposed zoning map amendments are to occur;

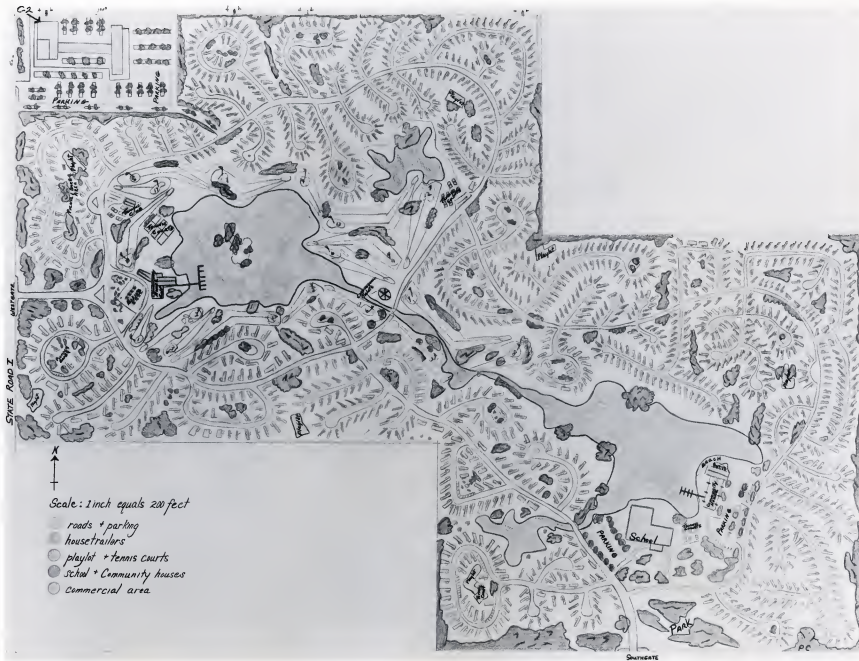
3. A Remonstrance executed by fifteen persons living east and southeast of Section 15 wherein the proposed zoning map amendments are to occur.

Each of the remonstrators joins with me in expressing our sincere expression for your continued consideration.

Respectfully yours,


Thomas D. Logan
Attorney for the Pleasant
Township Remonstrators

TDL:al
Enclosures



Dictated: August 12, 1971
Typed: August 19, 1971

Ron Daymude here on a protential Mobile Home project in Sec. 15 of Pleasant Township and occupying two 160 acre tracts currently shown on the maps as being owned by Standard Land & Stoppenhagen east of Bluffton Rd. and north of Pleasant Center Rd.

It will be noted that there was a preliminary discussion with Ron on a project on this land in Sept. 1970 and at that time the discussion was in his office in connection with a man by the name of Wilkins who apparently is not now directly involved in the ownership. It will be further noted that the project spans the City and County fringe line and that there will be two planning agencies involved for that reason. It is further noted that George Mallers is Attorney for some portions of this including some of the submissions before the Plan Commission.

Mr. Daymude is proposing that this be for Mobile Homes on an approximately 10 year program and with roughly 1500 Mobile Home site involved and with a Shopping Center site at the northwest corner and based on our prior discussions they are planning to have all of the drainage contained in lakes within the site and with a pipe to the Harber Drain for ultimate rainfall. The lakes in question are said to occupy approximately 40 acres and to have an average depth of 8 ft and a freeboard for normal drainage of 6 ft. above the 8 foot level and furthermore the home sites should be so arranged and with swale

Continuation Sheet No. 2
Ron Daymude - Mobile Home in Sec. 15 of Pleasant TWP
August 12, 1971

drainage between that even in a 100 year flood condition water would not flow over the streets and the like. Noted that the engineering is being done by Tazian for the thing and at this time do not have the full information but they do have an outline picture of the site showing the proposed lake arrangement and that they have discussed this with Dehner and Frash for possible earth moving at the site.

Further notes are that they inquired of the Surveyor his feeling on the open swale drainage pattern which would be used to feed the water into the lakes and the Surveyor notes that he himself sees nothing wrong with it provided it can be assured that there is reasonable upkeep on the swales and they note that they intend to retain it under one ownership and therefore that they would then be responsible for the maintenance rather than have any individual lots sold off. It is noted that they are proposing to build specification streets with the intent of having them ultimately accepted by the public agencies for ongoing maintenance.

Brief discussion on soil characteristics, Daymude has checked with Dan McCain on this however we suggested to him that because they apparently will be excavating 12 to 14 feet deep that they should have boring information to guide them early in their design phase.

No definite commentments made and we did state that we thought the project feasible and practicable if they recognized that they had a lot of dirt to move and that we could really give them no definitive

Continuation Sheet No. 3

Ron Daymude - Mobile Home in Sec. 15 of Pleasant TWP

August 12, 1971

opinion on the drainage and freeboard and the like until we had cross sections and more full engineering information which of course we do not have at this time.

George Mallers joined us at the discussion and it was noted that they intend to apply first to the City Plan Commission for the rezoning of the western 160 acres since this is in the City Plan jurisdiction and then follow thru in the east portion later and that their development will proceed along the same lines. It was also noted that it was a definite possibility of being able to do the lakes in two phases within the plans they have and build almost completely the western portion with its lake and at a later time the eastern portion. We note that the proposed design is apparently based on almost full retention of water and with only a relatively modest size outlet pipe to the Harbor Drain and with the full knowledge that the outlet pipe to the Harbor may not be serviceable in terms of high water on the Harbor Drain and in fact may even have a flood gate to block it in at high water times and that the high water times on the Harbor Drain may be a number of days in length rather than in terms of hours.

ADD

copy to Ron Daymude
George Mallers
Larry Orr

TELEPHONE
747-3189
AREA CODE 219



MUNICIPAL AIRPORT
R.R. No. 4 BAER FIELD
FORT WAYNE, INDIANA 46809

January 11, 1972

Mr. William Jones, Executive Director
City Planning Commission, City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Dear Mr. Jones:

This responds to the City Plan Commission's request for a recommendation from the Board of Aviation Commissioners respecting a pending request for an amendment to the City Zoning Ordinance which, if enacted, would permit the reclassification of a 160-acre tract some 3,300 feet southwest of the southwest corner of Baer Field so as to permit the construction of a proposed 1500-odd unit mobile home park.

The Board considered this matter at its regularly-scheduled public meeting of December 17, 1971, and at a specially-called public meeting of January 10, 1972.

By virtue of resolution #72001 duly moved, seconded and unanimously passed at the meeting of January 10, 1972, I am instructed to inform you that the Board of Aviation Commissioners recommends that the pending zoning ordinance amendment under which the construction of a mobile home park in the vicinity of Baer Field Airport would be permitted should not be passed.

The Board observes that the proposed site is under the approachway to Runway 13-31 and is located between the Outer Marker and the Middle Marker of the Instrument Landing System for that runway.

Mr. William Jones, Executive Director

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January 11, 1972

The Board feels a concern that the construction of a high-density residential complex under an approachway would create an unwarranted hazard to the prospective residents thereof.

Moreover, the Board recognizes that regulations of the Federal Aviation Administration (with which the Board must comply in order to remain eligible to receive Federal grants) may, in the future, preclude participation in Federal grant programs in the case of airports having high density residential complexes within the approachways to active runways.

The Board also feels it appropriate to draw attention to Indiana Code 19-6-1-10 pursuant to which the Board is itself is granted certain zoning powers and responsibilities.

For the Board of Aviation Commissioners

by



William Alfred Kern

Associate City Attorney